

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

ALEXANDRO PUGA AND
NORMA PUGA
PLAINTIFFS

VS.

ABOUT TYME TRANSPORT, INC.,
XTRA LEASE, LLC AND RCX
SOLUTIONS, INC.
DEFENDANTS

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CIVIL ACTION NO.: 2:15-CV-73

PLAINTIFFS' MOTION FOR ORDER TO
SHOW CAUSE WHY DEFENDANT ABOUT TYME
TRANSPORT, INC. HAS FAILED TO PAY AGREED SETTLEMENT

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Alexandro Puga and Norma Puga, Plaintiffs in the above-entitled and numbered cause, file *Plaintiffs' Motion for Order to Show Cause Why Defendant About Tyme Transport, Inc. has Failed to Pay Agreed Settlement* and show the following in support:

I. INTRODUCTION

1. Plaintiffs and Defendant About Tyme Transport, LLC agreed to a settlement on March 21, 2016 based on a Stowers Demand sent on March 4, 2016.
2. On April 27, 2016, the final settlement agreement was signed by Plaintiffs and forwarded to Defendants.
3. Defendants assured Plaintiffs that the settlement check would be sent immediately, however no check has been sent.
4. Plaintiffs followed up daily with defense counsel and were assured at every conversation that the check would be sent as soon as possible.
5. On May 2, 2016 Defense counsel even advised the court in an email regarding the status conference that it would get the check to Plaintiffs by May 4, 2016.

6. Plaintiffs advised Defendant on more than one occasion that his workers compensation indemnity benefits had been discontinued due to the settlement and that Plaintiffs had no source of money.

7. Plaintiffs additionally asked that Defendant hold the check at defense counsel's office so that they could send a runner to retrieve it and save time.

8. Plaintiffs finally advised Defendant on May 13, 2016 that they would have to file a motion to show cause with this court to order Defendant to explain the delay if no check was received by May 16, 2016.

9. More than 3 weeks have passed since the settlement documents were signed and more than 2 months have passed since the settlement was initially agreed to.

II. CONCLUSION AND RELIEF REQUESTED

10. For these reasons, Plaintiffs ask the court to grant *Plaintiffs' Motion for Order to Show Cause Why Defendant About Tyme Transport, Inc. has Failed to Pay Agreed Settlement* and Order Defendants to explain the delay in issuing settlement. Plaintiffs prays for such other and further relief to which they may be justly entitled.

RESPECTFULLY SUBMITTED,
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CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing has been delivered to the individual identified below, by the method of service indicated on May 17, 2016.

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